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Attorney for Creditors
Edward R. Stolz, II; and Royce International Broadcasting Corporation

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re

ADLI LAW GROUP P.C.

Case No. 2:21-bk-18572-BB

**SUPPLEMENTAL DECLARATION
OF DONALD CHARLES
SCHWARTZ, ESQ. IN OPPOSITION
TO ORDER TO SHOW CAUSE RE
CONTEMPT**

Date: November 30, 2022

Time: 10:00 a.m.

Courtroom: 1539

255 E. Temple Street

Los Angeles, CA 90012

Judge: Hon. Sheri Bluebond

1 I, Donald Charles Schwartz, JD, MBA, declare,

2 I am an attorney licensed to practice law in all courts in the State of California
3 and am now the attorney of record for Edward R. Stolz, II and Royce International
4 Broadcasting Corporation herein.

5 I have personal knowledge of the facts set forth herein and, if called as a
6 witness, would and could testify competently thereto.

7 **Supplemental Facts re: Service Issue:**

8 **Neither Edward R. Stolz, II, Royce International Broadcasting**
9 **Corporation, nor I made any effort whatsoever to serve the summons and**
10 **complaint from the Alameda County Superior Court action on the Adli Law**
11 **Group, P.C.**

12 What transpired is as follows:

13 On August 9, 2022, Alex Baker substituted himself into the Alameda County
14 Superior Court case to represent himself in pro per. A true and correct copy of the
15 Substitution of Attorneys is attached hereto as Exhibit A.

16 On August 16, 2022, I offered to **Darius Adli (only)** to accept service of the
17 summons in the Alameda County civil action. This email was directed solely to
18 Darius Adli with a Notice and Acknowledgement of Receipt only as to **Darius Adli**
19 **(only)** A true and correct copy of the **Darius Adli** email is attached hereto as Exhibit
20 B.

21 Within the email solely directed to Darius Adli, is the “Notice and
22 Acknowledgement of Receipt of Service” for **Darius Adli only**. A true and correct
23 copy of the “Notice and Acknowledgement of Receipt of Service” for **Darius Adli**
24 **(only)** is attached hereto as Exhibit B-1.

25 On August 24, 2022, further discussion occurred on the service issue and I
26 instructed as follows:

27 **“We are serving Dariush Adli only, not the Adli Law Group at this**
28 **stage.”**

1 A true and correct copy of the **Darius Adli** instruction email is attached hereto
2 as Exhibit C.

3 Suddenly, on Aug. 24, 2022 I received a copy of an email to “USA Express”
4 with a service order directed by Alexander Baker as follows:

5 “Dear USA Express,

6 Please personally serve the attached Summons, Complaint, Cover Sheet
7 and Case Assignment on:

- 8 1. Adli Law Group, PC
9 2. Dariush Adli

10 Adli is a licensed attorney, so should not be hard to find him. Let me
11 know if you need assistance locating him.

12 -Alex Baker”

13 A true and correct copy of the Baker email is attached hereto as Exhibit D.

14
15 I immediately issued a Stop Order to the Process Server and Alex Baker, as
16 follows:

17 **“I do not authorize serving the Adli Law Group – stop!!”**

18
19 A true and correct copy of my Stop Service email to the Process Server and
20 Alexander Baker is attached hereto as Exhibit E.

21 I thought the matter was over with when the Process Server emailed back to
22 me:

23 **“Understood”**

24 A true and correct copy of the “Understood” email from the Process Server is
25 attached hereto as Exhibit F.

26 On August 26, 2022 another email colloquy with Alexander Baker and myself
27 took place as follows:

28 **“Don,**

1 **I'm sure your research is now complete. Unless you get back to me before**
2 **close of business with good reason not to, then both Adli and Adli Law**
3 **Group are being served. . . ."**

4 A true and correct copy of the email colloquy is attached hereto as Exhibit G.

5 I immediately replied:

6 **"There is no authority to serve the Adli Law Group at this time.**

7 **We are serving Dariush Adli only at this time."**

8
9 A true and correct copy of the email colloquy is attached hereto as Exhibit G.

10 Mr. Baker further replied:

11 **"You are wrong . . . If you have any legal objection to serving both**
12 **Defendants, voice that legal objection *immediately*, i.e., TODAY..."**

13 I then replied:

14 **"I have already objected to serving Adli Law Group – and my research is**
15 **not complete.**

16 **You have no authority – and never did – to attempt to cause Adli Law**
17 **Group to be served with the Alameda County Superior Court case."**

18 A true and correct copy of the email colloquy is attached hereto as Exhibit H.

19
20 Having heard nothing, while proactively performing oversight on the matter,
21 on September 1, 2022 I wrote to Alexander Baker:

22 **"Alex,**

23 **What is the status of the Adli service of process?**

24 **You were going to have Darius Adli (only) served (not the Adli Law**
25 **Group)."**

26 A true and correct copy of my inquiry email to Alexander Baker is attached
27 hereto as Exhibit I.

28 Mr. Baker replied:

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“ . . . I have instructed the process server to serve both defendants. I am in pro per on this matter . . .

I immediately replied:

“ . . . Don’t create maelstrom in the court.

I told the process server not to serve Adli Law Group.”

A true and correct copy of my service inquiry emails with Alexander Baker are attached hereto as Exhibit I.

On September 5, 2022, Alexander Baker emailed:

“Don, Ed,

Attached are Proofs of Service for Adli and Adli Law Group, I paid . . .

While Don didn’t complete his “research”, I did. My research concludes that we didn’t do anything wrong . . . ”

I immediately replied:

“I instructed to stop the service against Adli Law – I take no responsibility for it.

You have gone around me – what an outrage!”

A true and correct copy of my outrage email to Alexander Baker is attached hereto as Exhibit J.

On September 7, 2022, after trying to connect with debtor’s counsel, Dean Rallis, I then sent to him the following email:

“Mr. Rallies, (sic)

Alex Baker substituted into the case for himself so I have no control over what he is doing. The substitution is filed. He served the summons/complaint apparently on both defendants as to and for himself only. You’ll have to talk to him about what he is doing.

(asking for legal authorities re: dismissal)

1 **Clearly the case can go forward as against co-defendant Dariush Adli. . . .**

2 **I do not consider the case served in any way on behalf of Royce and**
3 **honor the potential stay on that issue until we finalize meet and confer.**

4 **I am concerned about the divergence of representation now arisen for**
5 **plaintiffs Baker and Royce and am looking to resolve this issue as well,**
6 **but the stay issue needs to be finalized. I would think.”**

7 A true and correct copy of my outrage email to Alexander Baker is attached
8 hereto as Exhibit K.

9 On October 2, 2022, I received an email from Alexander Baker to the effect
10 that he intended to take a default. I replied to him as follows:

11 “. . . it is safer to assume the stay than not, since the sanction for stay violation
12 includes potential contempt.

13 As to Darius Adli personally, it appears that the law supports that there is no
14 stay in place.

15 Serving the Summons and Complaint on the Adli Law Group, P.C. is a risk
16 the process server and you took-on when the two of you defied my
17 instructions not to serve the Adli Law Group, P.C. Now, taking a default is
18 quite another level of risk, which I cannot advise you about since I no longer
19 represent you in the matter. . . .”

20 A true and correct copy of my assumption of the risk re contempt email to
21 Alexander Baker is attached hereto as Exhibit L.

22 **Supplemental Facts re: Stay Issue:**

23 Attached hereto as Exhibit M is an article entitled “Tort Claims and
24 Automatic Stay” written by Lawrence D. Hirsch. that I found when I was doing my
25 legal research. While I am not a bankruptcy attorney, I took this article on its face
26 when it said:

27 **“INSURANCE AND TORT CLAIMS**

28 . . .

There are more complicated circumstances when a personal injury **tort**
claim . . . is pending when a Bankruptcy is filed . . . The Bankruptcy

1 Court itself does not have jurisdiction to hear a pending personal injury
2 claim.”

3 I took this to mean that the legal malpractice **tort** case against the Adli Law Group,
4 P.C. may not be under the jurisdiction of the bankruptcy court. This is part of the
5 confusion in my mind – as well as the issue that Edward R. Stolz, II

6 A true and correct copy of the Hirsch article is attached hereto as Exhibit M.

7 **Supplemental Facts re: Pre- and Post-Petition Accrual of Tort Vis-à-vis Stay**
8 **and Issue:**

9 On or about September 30, 2021, I served the attached Exhibit N Letter to Darius
10 Ghaffar Adli, Esq. requesting the client files for, inter alia, Edward R. Stolz, II and Royce
International Broadcasting Corporation. I received no reply.

11 Thereafter, on or about January 2, 2022, I then served the attached Exhibit O Letter
12 to Darius Ghaffar Adli, Esq. requesting the client files for, inter alia, Edward R. Stolz, II
13 and Royce International Broadcasting Corporation. Again, I received no reply.

14 I certify that the foregoing is true and correct. Signed under penalty of perjury
15 under the laws of the State of California.

16 Dated: November 22, 2022

17 Respectfully submitted,

18 **/s/ Donald Charles Schwartz**

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20 Donald Charles Schwartz, JD, MBA
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PROOF OF ESERVICE BY ECF

I am employed in the county of Santa Cruz, State of California. I am over the age of 18 years and not a party to the within action; my business address is 7960-B Soquel Drive, No. 291, Aptos, CA 95003.

On November 22, 2022, I served the attached

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SCHWARTZ IN OPPOSITION TO ORDER TO SHOW CAUSE
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on the parties to said matter by causing a true copy of said document(s) to be transmitted by electronic mail to the electronic mail addresses of all parties listed with the Court in this matter on the ECF System.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Aptos, California, on November 22, 2022.

/s/ Donald Charles Schwartz

Donald Charles Schwartz